

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x

UNITED STATES OF AMERICA,

Criminal Action No.
CR-03-0795(DGT)

- against -

ORDER

JAMEL WILLIAMS,

Defendant.

TRAGER, J.

x

Defendant, Jamel Williams, moves pro se for a reduction to his sentence to reflect time he served pursuant to a judgment in New York State Court. Although this Court indicated in the Judgment that defendant's federal sentence was to run concurrently with his state sentence, the Bureau of Prisons ("BOP") has not reduced his federal sentence accordingly. Because, it appears, that this Court does not have the authority to reduce defendant's sentence, his motion is denied.

District courts do not have the power to give an inmate credit for prior incarceration; that power resides solely, in the first instance, with the BOP. United States v. Wilson, 503 U.S. 329, 333 (1992). Moreover, district courts do not have discretion to reduce a sentence below the mandatory minimum fixed by statute in order to give a defendant credit for time served. See United States v. Luna-Reynoso, 258 F.3d 111, 116-17 (2d Cir. 2001) (holding that the district court lacked the authority to downwardly depart to credit the defendant for time served between

his transfer into federal custody and his sentencing).

Accordingly, defendant's application is denied.

Dated: Brooklyn, New York
August 11, 2009

SO ORDERED:

/s/
David G. Trager
United States District Judge

COPY MAILED TO:

Mr. Jamel Williams
USP Canaan
U.S. Penitentiary
P.O. Box 300
Waymart, Pennsylvania 18472